

## AGREED JUDGMENT

ON THE DATE BELOW, came on the Court to consider the above-styled and numbered cause wherein Robert N. Goldstein, Goldstein/Habeeb Entertainment, Inc. and Cheaters, Ltd. are Plaintiffs and Tommy Habeeb is Defendant. The Court having considered the agreement of the parties, as evidenced by the signatures hereto, finds as follows:

- 1. Robert N. Goldstein is the owner of all of the copyrights and service mark at issue herein
- Goldstein/Habeeb Entertainment, Inc., presently known as Goldstein/Habeeb/McCalmont Entertainment, Inc., was at those times material hereto the owner of an exclusive license for the use and development of the aforesaid copyrights. This license was sub-licensed to Cheaters, Ltd. on or about August 25, 1999.
- 3. Cheaters, Ltd. is, and was from August 25, 1999, the owner of a sub-license for the use and development of the aforesaid copyrights until December 31, 2004.
- 4. Defendant Tommy Habeeb infringed on the aforesaid copyrights by using portions of same for commercial purposes in his personal web site and on t-shirts sold for profit. Specifically, Defendant, Tommy Habeeb, sold t-shirts bearing copyrighted materials for his own account and used copyrighted and service marked materials in his web site.
- 5. Plaintiffs have been damaged by Defendant's infringement, jointly and severly, in the amount of \$100.00.
- 6. Plaintiffs have incurred reasonable attorney's fees in the amount of \$12,445.46.
- 7. Plaintiffs will be irreparably damaged if Defendant is not permanently enjoined from

further infringing said copyrights and trademark in any manner.

## IT IS THEREFORE:

**ADJUDGED and DECLARED** that (1) Robert N. Goldstein is the owner of the copyrights to the original program concept for a television series entitled, "Cheaters", which copyright was duly registered with the U.S. Copyright Office under registration number TXu 770-121, dated December 26, 1996, and to thirteen one-half hour videos for television and sixty-eight one-hour videos for television, each entitled "Cheaters", sixty-one (61) of which have been registered with the U.S. Copyright Office under registration numbers PA-986-280, PA-988-082, PA-988-083, PA-988-084, PA-988-085, PA-988-086, PA-988-087, PA-988-088, PA-988-089, PA-988-090, PA-988-091, PA-988-092, PA-988-093, PA-988-094, PA-1-009-429, PA-1-012-363, PA-1-012-364, PA-1-012-365, PA-1-012-430, PA-1-012-431, PA-1-026-529, PA-1-026-530, PA-1-026-531, PA-1-026-532, PA-1-026-533, PA-1-026-534, PA-1-127-531, PA-1-127-548, PA-1-128-755, PA-1-130-760, PA-1-130-078, PA-1-130-080, PA-1-130-081, PA-1-130-084, PA-1-130-085, PA-1-130-087, PA-1-130-088, PA-1-130-089, PA-1-130-090, PA-1-130-091, PA-1-130-092, PA-1-130-093, PA-1-130-095, PA-1-130-096, PA-1-130-097, PA-1-130-098, PA-1-130-099, PA-1-130-179, PA-1-130-182, PA-1-130-183, PA-1-130-186, PA-1-130-343, PA-1-130-344, PA-1-130-345, PA-1-130-346, PA-1-130-347, PA-1-130-348, PAu2-721-158, and PAu2-721-159, (2) that Robert N. Goldstein is the owner of the copyrights to the original program concept for a television series entitled, "Cheaters", which copyright was duly registered with the U.S. Copyright Office under registration number TXu 770-121, dated December 26, 1996, and to all derivative works, including videos for television that have been sent for registration by the United States Trademark Office, but have not yet been assigned a registration number and returned, (3) that Robert N. Goldstein is the owner of the service mark CHEATERS, for entertainment in the nature of an on-going television show in the field of news and documentary, duly registered with the United States Trademark Office, Registration Number 2,640,153, dated October 22, 2002, and (4) that Defendant has no ownership interest in and to these copyrights and service mark; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Robert N. Goldstein, Goldstein/Habeeb Entertainment, Inc. and Cheaters, Ltd., Plaintiffs, have judgment jointly and severly over and against Tommy Habeeb, Defendant, and recover from said Defendant the amount of \$100.00 in actual damages and reasonable attorney's fees in the amount of \$12,445.46. It is further ordered that the United State District Clerk for the Northern District of Texas release and pay over to Robert N. Goldstein all of the moneys paid into the registry of this court in connection with this case in full and final satisfaction of this judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Tommy Habeeb, Defendant, and all persons acting in concert with said Defendant, be, and hereby are permanently enjoined and shall immediately and forever cease and desist from infringing on the copyrights and trademark referred to above, from publicly claiming any direct interest in the ownership in the copyrights and trademark referred to above, and from using the names "Cheaters", and "Tommy Grand" and the phrase, "talk to me, Gomez" in connection with Defendant's website or other public media, provided, however, Defendant may state that he has played the character, "Tommy Grand" in Defendant's biographical materials.

SIGNED this has day of \(\frac{1}{2}\)

. 2004.

DAVID C-COL UNITED STATES DISTRICT

Attorney for Defendant, Tommy Habeeb

Tommy Habeeb, Defendant

Andrew S. Bergman

APPROVED AND AGREED TO:

Robert N. Goldstein, Individually

Goldstein/Habeeb/Entertainment, Inc.,

For its own account and as General Partner of

Cheaters, Ltd.

By:

Robert N. Goldstein,

Its President

Timothy W. Sorenson

Attorney for Plaintiffs, Robert N. Goldstein,

Goldstein/Habeeb Entertainment, Inc. and

Cheaters, Ltd.